

This record is a partial extract of the original cable. The full text of the original cable is not available.

051059Z Jul 05

UNCLAS SECTION 01 OF 02 COLOMBO 001157

SIPDIS

E.O. 12958: N/A

TAGS: [EAGR](#) [EAID](#) [SENV](#) [TBIO](#) [CE](#) [ECONOMICS](#)

SUBJECT: NEGOTIATIONS ON ACCESS TO GENETIC RESOURCES AND BENEFIT SHARING

REF: SECSTATE 269625

Following are Sri Lanka's regulations governing access to genetic resources and benefit sharing as per reftel request.

1. Legislation and regulation of research and collection of biological resources:

Sri Lanka does not have a unified set of laws that cover all aspects of research and specimen collection on biological and genetic resources. Several articles and provisions of legislation address research aspects including specimen collection of biological and genetic resources. These include the following: Fauna and Flora Protection Ordinance, Forest Ordinance, Fisheries and Aquatic Resources Act, National Heritage & Wilderness Act, National Aquatic Research Agency Act and Acts of all research institutes such as the Coconut Research Institute (CRI), the Tea Research Institute (TRI), the Rice Research & Development Institute (RRDI), and the Rubber Research Institute (RRI).

Relevant institutions issue permits for all aspects related to research including collection of biological specimens. This is carried out at national and state levels. Research proposals must be submitted to the relevant institution, at which time the research committee of that institute will evaluate the proposal. In Sri Lanka, the Department of Forest and Department of Wildlife manage protected areas. To conduct research activities and collect specimens in designated protected forests and wildlife parks, researchers (local or foreign) must obtain permits from these institutes. Research in fisheries and aquatic resources require prior approval from the Fisheries & Aquatic Resources Agency prior to collection of specimens.

The following government agencies are responsible for issuing research/collection permits for their respective biological/genetic resources:

- Wild Fauna and Flora: Department of Wildlife Conservation (DWLC)
- Domesticated Animals: Department of Animal Production & Health (DAPH)
- Forest products & biological resources of forest reserves: Department of Forest Conservation
- Aquatic Resources: Department of Fisheries & Aquatic Resources (with concurrent permission from DWLC)
- Agricultural Crops: Relevant Research Institute (CRI, TRI, RRDI, RRI)

Terms and conditions addressing the concept of Mutually Agreed Terms (MAT) are formulated by respective research committees and agencies under the respective laws and included in research application guidelines.

2. Movement of Biological Specimens

In general, all exports of biological resources especially for research are regulated under the Customs Ordinance which provide provision to apply above mentioned Acts for such exports. Permits can be obtained from the above relevant authorities, unless specimens are not prohibited according to respective Acts. The Plant Protection Act and Animal Disease Act have provisions on phyto- or zoo-sanitary requirements needed for movement of species and products.

3. Laws and Procedures for Negotiating Mutually Agreed Terms for access to/use of Genetic Resources

Collection and export of samples for research requires a memorandum of understanding with the custodial institute of the biological/genetic resource and local counterpart of the research institute. Under present legislation MAT are done with the approval given by the relevant research institution. However, all these aspects have been incorporated into an Act, which is in draft form, on access to genetic resources and fair and equitable sharing of benefits. Use of resources (commercial or non-commercial) will be evaluated prior to granting permission. Terms & Conditions for in-country and non-commercial use is basic and uncomplicated, according to the Director of Biodiversity in the Ministry of Environment.

4. Status of Material Transfer Agreements (MAT) and Prior Informed Consent (PIC) in Sri Lanka

Presently, coordinating of relevant institutes for the development of MTA and PIC issues are handled by the biodiversity secretariat of the Ministry of Environment and Natural Resources on a case by case basis as requested by the national partner of the collaborative research. Under the proposed Act on access to genetic resources and fair and equitable sharing of benefits, the biodiversity secretariat has been nominated as the coordinating institute.

The respective local counterpart researcher negotiates specific contracts for providing access to genetic resources with the approving committee of the relevant government institute. The biodiversity secretariat makes arrangements to sign MTA's between local research counterpart and respective government institute as PIC.

National authorities responsible for receiving financial benefits arising from biological/genetic resources are identified in MTA according to the provisions of Acts on intellectual property rights in Sri Lanka.

A code of ethics for research on biological diversity involving access to genetic resources has been published by the biodiversity secretariat of the Ministry of Environment and provides procedure to negotiate on MAT.
LUNSTEAD